

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**THIRTY-SECOND LEGISLATIVE DAY  
THURSDAY, FEBRUARY 11, 2016**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent – Boyle, Chew, Scott. Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Skyler Lentz, Page.

### **3RD ORDER Approval of Journal**

February 11, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-first Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

At this time, the Speaker put the House at ease for the Lincoln Day program.

### **2016 LINCOLN DAY PROGRAM**

#### **Opening Remarks**

Rep. Clark Kauffman

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#### **Lincoln Celebrated through Stories, Humor, Quotes and Trivia**

*Narrator*

Rep. Clark Kauffman

Rep. Linden Bateman

Rep. Vito Barbieri

Rep. Neil Anderson

Rep. John Vander Woude

Rep. Lance Clow

Rep. Hy Kloc

Rep. Mat Erpelding

Rep. Steve Miller

Rep. Caroline Troy

Rep. Maxine Bell

Rep. Robert Anderst

Rep. Melissa Wintrow

Rep. Rich Wills

Rep. Reed DeMordaunt

Rep. Gayle Batt

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### **Musical Tribute**

Rep. Wendy Horman, Rep. Kelley Packer,

Rep. Luke Malek, Rep. John McCrostie, Christi Cox

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### **Closing Remarks**

Rep. Clark Kauffman

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Prior to going at ease, the House was at the Third Order of Business.

### **4TH ORDER Consideration of Messages from the Governor and the Senate**

OFFICE OF THE GOVERNOR  
Boise

February 10, 2016

The Honorable Scott Bedke  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 363](#), [H 364](#), and [H 365](#)

As Always - Idaho, "Esto Perpetua"  
/s/ C.L. "Butch" Otter  
Governor

### **5TH ORDER Report of Standing Committees**

February 11, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 35](#), [HCR 36](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), and [H 463](#).

WILLS, Chairman

[HCR 35](#) and [H 462](#) were referred to the Resources and Conservation Committee.

[HCR 36](#) was filed for second reading.

[H 458](#), [H 459](#), and [H 460](#) were referred to the Education Committee.

[H 461](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 463](#) was referred to the Business Committee.

February 11, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 345](#), [H 347](#), [H 348](#), [H 353](#), [H 358](#), [H 361](#), and [H 403](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 345](#), [H 347](#), [H 348](#), [H 353](#), [H 358](#), [H 361](#), and [H 403](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

There being no objection, the House advanced to the Seventh Order of Business.

## 7TH ORDER

### Motions, Memorials, and Resolutions

#### HOUSE CONCURRENT RESOLUTION NO. 37

##### BY STATE AFFAIRS COMMITTEE

##### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND COMMENDING THE LONG-STANDING TRADITIONS OF INTERFAITH TOLERANCE, INCLUSION AND HARMONY IN AZERBAIJAN, AND APPLAUDING THE EFFORTS BY AZERBAIJAN TO FOSTER THESE TRADITIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Republic of Azerbaijan is a staunch ally and partner of the United States in the strategically important South Caucasus region bordering Iran, Russia, Turkey and Central Asia; and

WHEREAS, having ancient traditions of interfaith tolerance, inclusion and positive multiculturalism, the secular nation of Azerbaijan offers an environment where Muslims, Jews and Christians enjoy peaceful coexistence and live in dignity, harmony and respect for each other; and

WHEREAS, Azerbaijan was home to one of the earliest Christian nations in the world, and the Christian community has helped to shape Azerbaijan's history throughout the ages, and today this 450,000 people strong community remains an important and vibrant part of Azerbaijani culture and society; and

WHEREAS, living alongside of the Christian and Muslim communities is a thriving Jewish community of about 30,000 that also has a long heritage in Azerbaijan dating back more than two thousand years, and when, over the centuries, Jews in the surrounding regions found themselves persecuted, they found Azerbaijan as a haven, and during World War II many European Jews escaping Nazi persecutions found shelter in Azerbaijan; and

WHEREAS, the Jewish community is an integral part of Azerbaijan's economic, cultural and political life, and today synagogues and Jewish schools flourish in the country; and

WHEREAS, it is no coincidence that Azerbaijan is one of the very few secular countries in the wider Middle East and Eurasia with a predominately Muslim population that maintains close, friendly ties with the State of Israel; and

WHEREAS, the three major religions have prospered because of the age-old respect and tolerance of the Azerbaijani people, but also because of an important role the government of the Republic of Azerbaijan has played in constantly fostering the environment of interfaith tolerance, mutual acceptance and respect in the country; and

WHEREAS, since the very beginning of independence, Azerbaijan has created an environment that nurtures and

promotes the ancient tradition of religious tolerance, and rejects radicalism, extremism and hatred; Azerbaijan sees diversity as one of the country's great strengths and virtues and has worked to ensure that this diversity continues to blossom; and

WHEREAS, Azerbaijan has recently built and rebuilt churches and synagogues and created new cultural centers for different faiths; the country has financially supported all three religions without discrimination, all the while making sure that Christians and Jews are represented in all three branches of the government in Azerbaijan; and

WHEREAS, Azerbaijan has repeatedly, over the course of the last decade, brought together religious leaders from the region and around the world to promote interfaith dialogue—an example that is sorely needed—and in April 2016 Azerbaijan will host the United Nations Alliance of Civilizations Forum; and

WHEREAS, 2016 has been proclaimed a Year of Multiculturalism by Azerbaijan; and

WHEREAS, the United States of America also has an interest in such a success story, since Azerbaijan, secular, tolerant, and inclusive, is crucial to a region ridden with hatred and strife; and

WHEREAS, given the rising levels of radicalism, terrorism, hate, xenophobia and intolerance in the world, it is important for the United States of America to support its tolerant and secular allies and consider the Azerbaijani model of interfaith acceptance and community engagement as a functioning example, and to encourage this policy around the globe.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we do hereby recognize and commend the long-standing traditions of interfaith tolerance, inclusion and harmony in Azerbaijan, and we applaud the efforts by Azerbaijan to foster these traditions, which can be a model and functioning example in these troubled times.

[HCR 37](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

## 8TH ORDER

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 464

##### BY STATE AFFAIRS COMMITTEE

##### AN ACT

RELATING TO DUTIES OF THE STATE TREASURER; AMENDING SECTION 67-1201, IDAHO CODE, TO REMOVE REFERENCE TO PUBLIC ENDOWMENTS; AMENDING SECTION 67-1202, IDAHO CODE, TO PROVIDE FOR INVESTMENT OF ENDOWMENTS UNDER THE AUTHORITY OF THE ENDOWMENT FUND INVESTMENT BOARD OR THE STATE BOARD OF LAND COMMISSIONERS AND TO PROVIDE FOR EXERCISE OF THE TREASURER'S DUTY AS CUSTODIAN OF THE PUBLIC SCHOOL PERMANENT ENDOWMENT FUND; AMENDING SECTION 67-1210, IDAHO CODE, TO REMOVE REFERENCE TO PUBLIC ENDOWMENT FUNDS AND TO CORRECT TERMINOLOGY; AMENDING CHAPTER 12, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1227, IDAHO CODE, TO GRANT AUTHORITY TO INVEST FUNDS EXCLUDED FROM THE TREASURER'S DUTIES UNDER A CERTAIN CODE SECTION; AMENDING CHAPTER 12, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1228, IDAHO CODE, TO ESTABLISH A FUND FOR COSTS PAID

BY AGENCIES FOR INVESTMENT BY THE TREASURER;  
AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 465**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO GENERAL CODE PROVISIONS;  
AMENDING CHAPTER 1, TITLE 73, IDAHO CODE, BY  
THE ADDITION OF A NEW SECTION 73-114B, IDAHO  
CODE, TO PROVIDE LEGISLATIVE INTENT ON GENDER  
NEUTRAL LANGUAGE.

**HOUSE BILL NO. 466**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE OFFICE OF THE INSPECTOR  
GENERAL; AMENDING TITLE 74, IDAHO CODE, BY  
THE ADDITION OF A NEW CHAPTER 6, TITLE 74,  
IDAHO CODE, TO ESTABLISH THE OFFICE OF THE  
INSPECTOR GENERAL, TO ESTABLISH THE POWERS  
OF THE INSPECTOR GENERAL, TO CLARIFY THE  
APPLICABILITY OF CERTAIN LAWS, TO EXEMPT  
THE LEGISLATIVE AND JUDICIAL BRANCHES OF  
GOVERNMENT FROM THE PROVISIONS OF THIS  
ACT, TO PROVIDE THAT STATE AGENCIES AND  
OFFICERS SHALL MAKE CERTAIN REPORTS TO AND  
COOPERATE WITH THE INSPECTOR GENERAL, TO  
PROVIDE THAT THE INSPECTOR GENERAL MAY ENTER  
CERTAIN PREMISES, QUESTION CERTAIN PERSONS AND  
INSPECT CERTAIN MATERIALS IN INVESTIGATIONS,  
TO PROVIDE THAT THE INSPECTOR GENERAL AND  
INVESTIGATORS FOR THE INSPECTOR GENERAL SHALL  
HAVE CERTAIN AUTHORITY, TO PROVIDE THAT THE  
INSPECTOR GENERAL AND THE INSPECTOR GENERAL'S  
SUBORDINATES MAY ISSUE CERTAIN SUBPOENAS  
OR SEEK CERTAIN SUBPOENAS FROM COURTS, TO  
PROVIDE THAT THE INSPECTOR GENERAL SHALL  
MAKE CERTAIN REPORTS AND TO PROVIDE THAT THE  
PROVISIONS OF THIS CHAPTER SHALL NOT LIMIT  
THE LEGISLATURE IN REVIEWING THE OPERATIONS  
OF STATE AGENCIES; AND AMENDING CHAPTER 20,  
TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW  
SECTION 67-2027, IDAHO CODE, TO PROVIDE THAT  
THE BOARD OF EXAMINERS SHALL APPOINT AN  
INSPECTOR GENERAL.

**HOUSE BILL NO. 467**  
**BY LOCAL GOVERNMENT COMMITTEE**  
AN ACT

RELATING TO LOCAL IMPROVEMENT DISTRICTS;  
AMENDING SECTION 50-1709, IDAHO CODE, TO  
REMOVE PROVISIONS REGARDING CERTAIN  
AUTHORITY OF A CITY COUNCIL AND A BOARD OF  
COUNTY COMMISSIONERS REGARDING A PROPOSAL  
FOR THE CREATION OF A LOCAL IMPROVEMENT  
DISTRICT.

**HOUSE BILL NO. 468**  
**BY LOCAL GOVERNMENT COMMITTEE**  
AN ACT

RELATING TO CEMETERY MAINTENANCE  
DISTRICTS; AMENDING SECTION 27-111, IDAHO CODE,  
TO PROVIDE THAT CERTAIN CEMETERY MAINTENANCE  
DISTRICT COMMISSIONERS MAY BE ELECTED AT  
LARGE; AMENDING SECTION 27-121, IDAHO CODE, TO  
PROVIDE THE EFFECT OF DISTRICT CONSOLIDATION

ON PROPERTY TAX BUDGETS; AMENDING SECTION  
27-125, IDAHO CODE, TO INCREASE THE AMOUNT OF  
A DISTRICT'S BUDGET BEFORE A PUBLIC HEARING  
MUST BE HELD; AMENDING CHAPTER 1, TITLE 27,  
IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
27-129, IDAHO CODE, TO PROVIDE PROCEDURES  
FOR CONSOLIDATION OF CEMETERY MAINTENANCE  
DISTRICTS; AND AMENDING CHAPTER 1, TITLE 27,  
IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
27-130, IDAHO CODE, TO PROVIDE PROCEDURES  
FOR AN ELECTION FOR THE CONSOLIDATION OF  
CEMETERY MAINTENANCE DISTRICTS.

**HOUSE BILL NO. 469**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO NOXIOUS WEEDS; AMENDING  
SECTION 22-2402, IDAHO CODE, TO REVISE A  
DEFINITION.

**HOUSE BILL NO. 470**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO DOGS; AMENDING SECTION 25-2805,  
IDAHO CODE, TO REMOVE A PROVISION REGARDING  
VICIOUS DOGS; AMENDING SECTION 25-2808, IDAHO  
CODE, TO PROVIDE A CORRECT CODE REFERENCE;  
AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY  
THE ADDITION OF A NEW SECTION 25-2809, IDAHO  
CODE, TO PROVIDE A SHORT TITLE; AMENDING  
CHAPTER 28, TITLE 25, IDAHO CODE, BY THE  
ADDITION OF A NEW SECTION 25-2810, IDAHO CODE,  
TO DEFINE TERMS, TO PROVIDE THAT CERTAIN  
PEOPLE MAY PETITION TO HAVE A DOG DECLARED  
DANGEROUS OR AT RISK, TO PROVIDE INSTANCES OF  
JUSTIFIED PROVOCATION, TO AUTHORIZE A COURT  
TO IMPOSE CERTAIN ORDERS AND REQUIREMENTS  
FOR DANGEROUS AND AT-RISK DOGS, TO PROVIDE  
CONDITIONS FOR THE TRANSFER OF A DANGEROUS  
OR AT-RISK DOG, TO PROVIDE FOR WAIVER OF AN  
AT-RISK DESIGNATION, TO PROVIDE FOR PENALTIES  
AND TO AUTHORIZE CERTAIN OFFICERS TO MAKE  
ARRANGEMENTS FOR A DOG; AMENDING CHAPTER  
28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A  
NEW SECTION 25-2811, IDAHO CODE, TO PROVIDE  
PENALTIES FOR A VIOLATION; AMENDING CHAPTER  
28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A  
NEW SECTION 25-2812, IDAHO CODE, TO AUTHORIZE  
LOCAL GOVERNMENTS TO ADOPT MORE RESTRICTIVE  
REQUIREMENTS UNDER CERTAIN CONDITIONS;  
PROVIDING SEVERABILITY; AND DECLARING AN  
EMERGENCY.

**HOUSE BILL NO. 471**  
**BY TRANSPORTATION AND DEFENSE COMMITTEE**  
AN ACT

RELATING TO RECREATIONAL ACTIVITIES;  
AMENDING SECTION 67-7113, IDAHO CODE, TO REVISE  
VIOLATION AND PENALTY PROVISIONS; AMENDING  
SECTION 67-7127, IDAHO CODE, TO PROVIDE THAT  
MONEYS IN THE MOTORBIKE RECREATION ACCOUNT  
MAY BE USED FOR SECURING USE LICENSES AND  
RECREATION EASEMENTS; REPEALING SECTION  
67-7129, IDAHO CODE, RELATING TO PENALTIES;  
AND AMENDING SECTION 67-7133, IDAHO CODE, TO  
PROVIDE FOR THE ENFORCEMENT OF CERTAIN RULES.

**HOUSE BILL NO. 472**  
**BY TRANSPORTATION AND DEFENSE COMMITTEE**  
 AN ACT

RELATING TO LICENSE PLATES; AMENDING SECTION 49-443, IDAHO CODE, TO PROVIDE THAT THE IDAHO TRANSPORTATION DEPARTMENT SHALL PROVIDE NEW PLATES BEARING THE SAME NUMBER OR, IF REQUESTED BY THE OWNER, THE NEXT AVAILABLE NUMBER, REGARDING CERTAIN VEHICLES FOR PURPOSES OF SPECIFIED PROVISIONS OF LAW.

**HOUSE BILL NO. 473**  
**BY TRANSPORTATION AND DEFENSE COMMITTEE**  
 AN ACT

RELATING TO THE MILITARY; AMENDING SECTION 46-409, IDAHO CODE, TO REVISE DEFINITIONS, TO REVISE PROVISIONS REGARDING THE APPLICABILITY OF CERTAIN LAW, TO PROVIDE CORRECT CITATIONS AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 474**  
**BY REVENUE AND TAXATION COMMITTEE**  
 AN ACT

RELATING TO TAXING DISTRICT BUDGETS; AMENDING SECTION 63-802, IDAHO CODE, TO REQUIRE NOTICE, A PUBLIC HEARING AND A RESOLUTION WITH CERTAIN INFORMATION BEFORE A TAXING DISTRICT MAY BUDGET A FORGONE INCREASE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-802, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 10, LAWS OF 2015, TO REQUIRE NOTICE, A PUBLIC HEARING AND A RESOLUTION WITH CERTAIN INFORMATION BEFORE A TAXING DISTRICT MAY BUDGET A FORGONE INCREASE AND TO MAKE TECHNICAL CORRECTIONS; AND TO PROVIDE EFFECTIVE DATES.

**HOUSE BILL NO. 475**  
**BY REVENUE AND TAXATION COMMITTEE**  
 AN ACT

RELATING TO SALES TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622VV, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM THE SALES OR USE TAX ON CERTAIN MATERIALS USED IN CONNECTION WITH A PUBLIC HIGHWAY OR STREET AND TO PROVIDE EXCEPTIONS; AND PROVIDING AN EFFECTIVE DATE.

H 464, H 465, H 466, H 467, H 468, H 469, H 470, H 471, H 472, H 473, H 474, and H 475 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

**10TH ORDER**  
**Second Reading of Bills and Joint Resolutions**

HCR 34, by Health and Welfare Committee, was read the second time by title and filed for third reading.

H 429, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

S 1213, by Resources and Environment Committee, was read the second time by title and filed for third reading.

H 440, by Business Committee, was read the second time by title and filed for third reading.

H 398, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

**11TH ORDER**  
**Third Reading of Bills and Joint Resolutions**

H 432 - INSURANCE

H 432 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clow to open debate.

The question being, "Shall H 432 pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Batt, Bell, Beyeler, Burtenshaw, Chaney, Cheatham, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 65.

NAYS – Nielsen. Total – 1.

Absent – Bateman, Boyle, Chew, Scott. Total – 4.

Total – 70.

Whereupon the Speaker declared that H 432 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 426 - BOND GUARANTY

H 426 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Barbieri to open debate.

The question being, "Shall H 426 pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Burtenshaw, Chaney, Cheatham, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 66.

NAYS – None.

Absent – Boyle, Chew, Malek, Scott. Total – 4.

Total – 70.

Whereupon the Speaker declared that H 426 passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

**15TH ORDER**  
**Announcements**

Announcements were made to the body.

**16TH ORDER**  
**Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Friday, February 12, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:50 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk